

F
128
4
G35



THE OLD
STADT HUYS

OF
NEW AMSTERDAM.

A PAPER READ BEFORE THE
New York Historical Society,

June 15th, 1875,

BY JAMES W. GERARD.

NEW YORK :
F. B. PATTERSON, 32 CEDAR STREET.

1875.

7178

11

G35

Press of KILBOURNE TOMPKINS,

16 Cedar Street, New York.



PROEM.

By the permission of the New York Historical Society, I have been allowed to print and place before the public another historical paper connected with the Dutch history of this city.

The following account of the Old State House, or Town Hall, of New Amsterdam, will doubtless be found quite as interesting as was the paper on the "Old Streets of New York," also read by Mr. Gerard before the New York Historical Society.

The legal trials of the Dutch period, as they have been transmitted to us, vividly portray the manners, modes of thought and social condition of our Dutch predecessors, and open a wide field for antiquarian research.

Hoping that this additional venture of the publisher will meet with the approval of the literary community,

I am the Public's obedient servant,

F. B. PATTERSON.

MR. PRESIDENT AND MEMBERS

OF THE HISTORICAL SOCIETY :

At the corner of Coenties lane, facing Coenties slip, where now are the warehouses Nos. 71 and 73 Pearl street, in this city, is the site of the old "*Stadt Huys*," or City Hall of *Nieuw Amsterdam*. Part of the foundations on that site are still shown as those of the ancient building which I have proposed as the subject of a slight historical sketch.

Where now, amid the busiest haunts of trade, are dispensed the products of commerce, once solemnly reigned *Themis*, clothed in the majesty and power of the Civil law.

In 1642, the busy trade that was being carried on between New England and Virginia brought many traders and visitors to New Amsterdam. The coasting vessels often stopped there to repair damages after the perils of the *Helle-gat*, to break the monotony of the long voyage, to learn the state of trade—mayhap, solely to escape from the solemn reign of the blue laws, and to partake of the life and jollity of the little Dutch town; to have a bout at nine pins and a glass of *Rosa Solis* with mine host, Gerrit, the miller; or a draught of new ale and game of backgammon at Snedeker's little tap-room by the water side.

Director Kieft was able to give the many traders and visitors but slight entertainment in the Fort, and was tired of playing the host promiscuously; hence arose the *Stadt Herberg*, or City Tavern, subsequently conceded to the municipality as a City Hall.

On one side was the little lane that still is there, then rural and paved with nature's verdure. In the rear was

Hoogh straat, or the road to the ferry, our present Stone street.

Behind the *Herberg*, on the *Hoogh straat*, was its neat little garden, where grew the cabbage, dear to the Dutchman's heart, and many a flower, caught and tamed from surrounding wilds. Through the garden there was a path and an entrance gate from the *Hoogh straat*. In front, no South or Front street then intervened. But directly to the view shone the bright waters of the river and bay, and the green hills of Breuckelen and the waving foliage on Nooten Island rose in the distance and bound the rural scene.

The waters then rolled freely against the shore, soon thereafter confined to prevent their wearing action by the *Schoeijing*, or sheathing of boards, whence the fronting street was called *t' Waal* or *Lang t' Waal*.

Of substantial stone was the *Herberg*, about fifty feet square and three stories high. The row of little windows in the roof, and the gables rising in successive steps, recalled the architecture of Old Amsterdam.

A jovial man was Philip Gerritsen, to whom the City Tavern was leased by the Director, with a right to retail the Company's wine and brandy.

A jovial man was Philip, and many were the merry makings, and lively were the times within the *Herberg's* walls.

There was a lively time in March, 1644, when Gerritsen, proud of his position as the city Boniface, and of the merits of his cook, invited some of his cronys to a supper at the tavern.

There was Dr. Hans Kierstede, from the Strand, then a lively young fellow of thirty-two, and his blooming wife Sara; and Nikolaes Koorn, just appointed "Wacht meester" at Rensselaerswyck, and his substantial *vrouw*, whom he had brought from the Fatherland; and Gys-

bert Opdyck, with his new wife Catrina, whose cheeks shone rosy through the snow white skin. Things went merrily, and bright eyes sparkled; toasts went round and songs were sung.—When opens the door—and insolently and unmannerly break in John Onderhill, formerly captain in the Pequod wars, and George Baxter, then the English Secretary at New Amsterdam, both in the Dutch employ, but noted Swashbucklers, and thereafter troublesome seditionists. With them was Thomas Willett, a New Plymouth captain also, thereafter, in his staid days, the first mayor of New York—now a roysterer like the rest.

The English interlopers are far in their cups. With many maudlin bows and scrapes they ask to join the festive party, which is refused them. Then they insist that Gysbert Opdyck shall come out and drink with their party in another room. Opdyck refuses, and tries to get them out.

Whereupon, we are informed, that they drew their swords and valorously hacked the cans on the tavern shelf and the posts of the doors, and slashed about in a terrible way, frightening the ladies and uttering words of boasting and insolence.

Then other English soldiers came in, chums of the former, and a fight is imminent, for the Dutch blood is warmed. Whereupon mine host sends for the Fiscal and the guard.

This functionary arriving, orders Onderhill's people to depart. He refuses, and, with little regard for authority, hiccups to the Fiscal this severe remark: "If the Director came here, 'tis well; I would rather speak to a wise man than to a fool." "Then," says one of the Dutch party in his affidavit before the authorities, "In order to prevent further mischief, yea, even bloodshed, we broke up our pleasant party before we intended."

When, after repeated petitions to their High Mightinesses in Holland, the municipal government of Schout Burgomasters and Schepens was given to the little town, the functions of the *Herberg*, as a hostelry, ceased, and it became, in 1654, the STADT HUYS of NIEUW AMSTERDAM.

The original court of the settlement was that held by the Director and his council, whose proceedings were of rather an arbitrary character, as they sat both as a legislative and judicial body, and the members of the council were generally under the influence of the Director.

Vander Donck, in giving a somewhat overdrawn account of the state of the Colony to the Holland Directors, in 1650, speaks of Stuyvesant's Councillor, Lubbertus Van Dincklage, as being overruled by the Director; of Councillor De la Montagne, not daring to speak frankly; of Brian Newton, the lieutenant of the soldiers, as not understanding the Dutch language, and having to say "yes" to everything, and of the Fiscal, Hendrick Van Dyck, being kept out of the council for many months.

Attached to the Government was a Schout *Fiskaal*, or Attorney General, who also acted as Sheriff. He enforced the ordinances, resolutions and regulations of the West India Company and the States General, and superintended prosecutions and the execution of sentences.

The Schout Fiscal had functions distinct from the City Schout under the city government of 1653. The same person, however, fulfilled the double duty until in 1660, when the magistrates were allowed to have a local or City Schout, who combined in himself what we know in our community as the offices of Mayor, Sheriff, and District Attorney.

When the City Schout was afterwards made a separate functionary he presided in the court, although the

Burgomasters objected thereto, claiming that one of their number should preside.

The Schout, two Burgomasters, and five Schepens, who finally composed the Court of Nieuw Amsterdam, instituted in 1652 by charter from the Home Government, had original jurisdiction in civil and criminal cases arising within their limits; subject to appeal to the Director General and Council. They seem also to have had general supervision of the town, and to have made minor ordinances and regulations.

Matters of internal police and state government were regulated by ordinances established by the local Director and Council, subject to any express direction from the Directors of the Company at Amsterdam. Laws of property and of a penal character were regulated by authority of the Amsterdam Chamber, or were as prescribed by the Civil or Roman law as modified by the Imperial Statutes of Charles V., which were frequently quoted here, or by the laws and usages of the Dutch, the result of the greater civil and religious freedom which characterized that people.

The Court was generally held once a fortnight—and sometimes once a week—and took an annual recess from the 14th December to three weeks after Christmas—for the winter holidays. This holiday would include *Kerstyd*, or Christmas, the *Nieuw Jaar*, or New Year's Day, and the Feast of Santa Claas, or St. Nicholas.

Adriaen Van der Donck was the first lawyer in the Dutch Colony. He was educated at the University of Leyden, and admitted a Doctor both of the Civil and Canon laws.

On a request by Van der Donck, in 1653, to the Amsterdam authorities to pursue the practice of his profession in the courts here, he was only allowed to give advice. With a strict Dutch sense of justice, he was forbidden to

plead, on the ground that "as there was no other lawyer in the Colony there would be no one to oppose him."

Subsequently, as the town grew larger, and the occupations of the citizens more divided, parties, instead of themselves appearing in court and presenting their cases, procured others to represent them. Sometimes the wife came into court presenting her husband's case, or excusing his absence, sometimes a son representing his parents, and often the busy traders employed to represent them one of the notaries, who in time became quite busy legal functionaries.

There was old Dirck Van Schelluyne, who had practiced at the Hague, and settled here in 1641, but who had so little business, at first, that he procured the appointment of Court Marshal, or High Bailiff, his functions being to levy executions and enforce process ; and there was David Provoost, admitted notary in 1652, and Mattheus de Vos, who was also Bailiff, or Marshal ; and Solomon La Chair, who lived near by in the Hoogh straat, of whom we shall have something more to say by and by. There were also notaries Van der Veen, Tielman, Van Vleeck and Pelgrum Clock.

Referees, or arbitrators, were often appointed in knotty matters, and to settle dubious points, or to examine the accounts, and were directed in the order appointing them, if possible, to reconcile the parties litigant—a pleasing manifestation of the kindly nature of the court and its discouragement of useless litigation.

As regards the punishments inflicted by the court for public offences, as there was no State Prison in those days, we find the most usual were fines, banishment, the pillory, flogging, and sometimes confinement in a tavern or in one's house, or for a limited period with the town jailer in the City Hall. Theft was punished by *scourging* with rods, or banishment and fine ; assaults with fines, imprisonment on

bread and water or *small beer*, or by temporary banishment. Branding on the cheek was sometimes employed for hardened criminals.

A sailor, for desertion to the English, was posted as a villain. Another, for drawing a knife on a comrade, was dropped three times from the yard-arm, and received a blow or kick from every sailor on the ship.

Tapping during church service, or after nine o'clock, and selling drink or arms to the Indians, was of frequent complaint by the Schout.

A usual punishment, particularly in the case of riotous or thieving soldiers, was to sit on the wooden horse. We read of Jan Alleman, an officer, who was condemned to ride the wooden horse and be cashiered, for valorously sending a challenge to Jan de Fries, who was *bedruiden*.

Also of Gerret Segersen, who, for stealing chickens, was condemned to ride the wooden horse for three successive days, from two o'clock to the close of parade, with a fifty pound weight suspended to each foot.

Violations of the Sabbath, too, were punished.

It was forbidden to go nutting or picking strawberries on Sundays, as also were fowling, running, sailing, driving, and playing games.

Albert, the Trumpeter, when brought up for having an axe on his shoulder on the Sabbath, saved himself from punishment other than a reprimand by showing that he was cutting a *bat* for his little boy.

Theft was punished severely.

Mesaack Martens, for stealing cabbages from Pieter Jansen, the ship carpenter, residing on *t' maagde paatje*, was sentenced to stand in the pillory with cabbages on his head, and be banished for five years from the city.

Herman Barendsen, for stealing three half beavers, and sheets and pillow cases, was sentenced to be beaten with rods and banished the city.

We read of another individual, bearing a well-known name, who was complained of for appropriating seawant and beaver skins, but more particularly for having stolen silver spoons from Cristyntje Capoen's house, at the feast of the celebration of marriage between Laurens Vander-Spygel and Sara Webbers, to which wedding he was invited. This not very high-toned operation, the court stated, "cannot be tolerated in a well-regulated place, where justice is administered, but must be corrected and punished as an example to others." Thereupon the sentence says, "the above-named youth shall be severely scourged with rods in a closed chamber, and banished for ten years out of the city jurisdiction, and further amerced in the costs and *mises* of justice."

The defences of Lysbert Anthony, brought up for stealing black seawant from her mistress, Mrs. Domine Drysius, show a comical want of logic. Her defence was "that Barbar, the negress, who lived at Jan, the joiner's, had stolen a silver bell from Burgher Jorisen," and, for a second defence, "that the cupping woman told her to steal."

Lysbert's pleas did not avail, and she was sentenced to be chastised by her mother Mary. "Mary," the chronicle reads, "undertaking it, hath, with the assistance of long Anna, severely punished and whipped her daughter with rods in the presence of the worshipful magistrates."

We have also the record of a capital punishment from the earlier annals of 1641. The court proceedings before the Council, urged by the Fiscal, were against Jan, of Fort Orange, Manuel de Gerrit, the giant, Anthony Portugese, Simon Congo, and five others, all negroes belonging to the Company, for killing Jan Premero, another negro.

The prisoners having pleaded guilty, and it being rather a costly operation to hang nine able-bodied negroes belonging to the Company, the sentence was that they were

to draw lots to determine "who should be punished with the cord until death, praying the Almighty God, the Creator of Heaven and Earth, to direct that the lot may fall on the guiltiest, whereupon," the record reads, "the lot fell, by God's providence, on *Manuel Gerrit, the giant*, who was accordingly sentenced to be hanged by the neck until dead, as an example to all such malefactors." Four days after the trial, and on the day of the sentence, all *Nieuw Amsterdam* left its accustomed work to gaze on the unwonted spectacle. Various Indians also gather, wondering, to the scene, The giant negro is brought out by the black hangman and placed on the ladder against the fort, with two strong halters around his neck. After an exhortation from Domine Bogardus, during which the negro chaunts barbaric invocations to his favorite *Fetich*, he is duly turned off the ladder into the air. Under the violent struggles and weight of the giant, however, both halters break. He falls to the ground. He utters piteous cries. Now on his knees, now twisting and grovelling in the earth. The women shriek. The men join in his prayers for mercy to the stern Director. He is no trifler, and the law must have its course. The hangman prepares a stronger rope. Finally the cry for mercy is so general that the Director relents, and the fortunate giant is led off the ground by his swarthy friends, somewhat disturbed in his intellect by his near view of the grim King of Terrors.

It may be safely assumed, as a historical fact, based upon the *res gestae* and a rational probability, that a slight physical experiment was thereupon made at some neighboring tapster's upon the parched throat of the giant, *to wit*, the ascertaining how far his œsophagus was still capacitated for the transmission of the fluid compound known as *Dutch beer*.

The worshipful Court had a great regard for its

dignity, and any invasion of that, and any "*Scandalum magnatum*," was severely repressed.

The Burgomasters and Schepens, as a body, were addressed by high titles of respect.

On one occasion, in proclaiming a fast, Director Stuyvesant addresses his communication "*To the Most Worshipful, Most Prudent, and Very Discreet, their High Mightinesses, the Burgomasters and Schepens of Nieuw Amsterdam.*"

On another occasion, in asking them to look after the pigs, who were doing damage to the newly finished works of the fort, he addresses them as his "*Respected and particularly dear friends.*"

And also, in another communication about the same pigs, which were a frequent cause of trouble, as "*Most worshipful, gracious and distinguished.*"

In 1654, however, we find that there was a terrible "*to-do*" between the Fort and the City Hall; all arising out of the Governor's interference with the people's holidays, and preventing the boys and girls from riding at the goose, at Shrovetide. This sport consisted in greasing a goose's neck, hanging the bird in the air, and trying to capture it in riding rapidly past.

The Director and Council had issued an order prohibiting such festivities. Domine Blom also issued a pronouncement against them from Wyldwick. Whereat the worthy city representatives had demurred and grumbled greatly. Thence came another fulmination from the Fort of a most sarcastic and belittling character. It was addressed "*To the small bench of justices.*"

It recites the prior proclamation of the Director and Council, forbidding farmers' servants "to ride the goose at the feast of Backus and *Shrove-tide*, and that the Burgomasters and Schepens were aggrieved that the order should be made without *their* assent." It further recites,

“ Besides, in their time it has never been practiced here. Moreover, it is altogether unprofitable, unnecessary, and criminal for subjects and neighbours to celebrate such popish and pagan feasts, and to practice such customs ; and yet, notwithstanding, the same (as the Burgomasters and Schepens sustain) may in some places of *Faderland* be tolerated and looked at through the fingers.”

It then recites, that “several delinquents were legally summoned by Claes Van Elslant, the Court Messenger, but did not come, and on being cited and summoned by the Fiscal before the Director, some of their number began threatening, cursing, deriding, and laughing at the the High Council, in an insolent and contumacious manner, in the presence of the Director General and Council, for which they were properly committed to prison. At which, the Burgomasters and Schepens do feel themselves, in their quality, particularly aggrieved! *forsooth !* because the Director General had done this without *their* consent and knowledge. As if, without the knowledge and consent of the Burgomasters and Schepens, no order can be made ; no mob interdicted from celebrating the feast of Backus, much less have the privilege of correcting such persons as tread under foot the Christian and holy precepts, without the knowledge and consent of a *little bench of justices*.”

“Appreciating their own authority, quality and commission better than others, the Director and Council hereby make known to the Burgomasters and Schepens that the institution of a *little bench of justices* under the name of the Schout, Burgomasters, and Schepens, or Commissioners, does in no wise diminish aught of the power of the Director General and Councillors, &c., &c.

“ Thus done in Session Director General and Councillors.

“ P. STUYVESANT.

“ C. VAN RUYVEN, *Secretary*.”

Thereafter, accordingly, the lads and lasses, instead of "riding the goose" and honoring Bacchus on Shrove Tuesday, or at "*Pinckster*," had to content themselves with pleasure parties to Nooten Island, the Kalck Hoek, or Bloemendael; or with rambling in the Maadge Paadtje and to the Common or *Vlacke*, now the Park, for nuts or strawberries.

In 1660 Walewyn Van der Veen appeared in Court to answer the charge of having called the Court mere "*simpletons and blockheads*," for a certain adverse decision against him on a bill of exchange. After proof of the fact that these terrible words were uttered, the Court made sentence as follows:

"That Walewyn Van der Veen, for his committed insult, shall here beg forgiveness, with uncovered head, of God, Justice, and the Worshipful Court, and moreover pay as a fine 190 guilders."

We learn, subsequently, that Walewyn, having refused to obey the sentence, was committed a prisoner to his own house till the sentence was obeyed.

Van der Veen, it seems, was quite a contumacious character, and had little respect for authority. He also dared to call the worthy Secretary of the Court, Johannes Nevius, for not showing him some records, "a rascal;" and said to him, "Had I you at another place I would teach you something else." On which the Secretary, being much aggrieved, demanded from the Court that the defendant should make "honorable and profitable reparation for the insult." The Heer Officer Schout, as guardian, with the Secretary, stated to the Court, "that in consequence of the slander and affront offered to plaintiff, in scolding him as a rascal, which affects his *honor, being tender*; and as the Honorable and Worshipful Court is not willing to be attended by a *rascally Secretary*, he demands a fine of fifty guilders, that it may serve as an example to all other slanderers, who for trifles have con-

stantly in their mouths curses and abuse of other honorable people."

On another occasion the Court felt called upon to vindicate its dignity in the case of Pietertje Jans, widow of Claes Jansen Ruyter, whose house had been sold on an execution. She was brought up before the Court for saying of the Court, "Ye despoilers! ye bloodsuckers! ye have not sold, but given away my house." The complaining officer stated that, as this is a *sting that cannot be endured*, he demands that Pietertje be severely reprimanded and fined. The reprimand was accordingly made as follows :

" *Whereas*, thou, Pietertje Jans, hast presumed shamefully to attack honorable people with foul, villainous, injurious words; yea, infamous words. Also insulting, defaming, affronting, and reproaching the Worshipful Court of this city, publicly, on the highway, to avenge the loss which thou hast caused thyself in regard that thy house and lot were sold by the Marshal on an execution; which blasphemy, insult, affront, and reproach cannot be tolerated or suffered to be done to a private individual, more especially to the Court aforesaid, but must in the highest degree be reprimanded, particularly corrected and severely punished as criminal. Therefore the *Heeren* of the Court hereby interdict and forbid you to indulge in such blasphemies for the future, or, by neglect, the Judge shall hereafter provide for it."

Ill fared it also with Jan Willemsen Van Iselsteyn, commonly called Jan of Leyden, who, for abusive language and writing an insolent letter to the magistrates of Bushwyck, was sentenced to be fastened to a stake at the place of public execution with a bridle in his mouth, rods under his arm, and a paper on his breast with an inscription, "Lampoon writer, False accuser, and Defamer of Magistrates." He was afterwards to be banished.

Nicassius de Sille, the Schout, too, was quite fastidious about his dignity. We find him complaining that when he goes about at night the dogs make dangerous attacks

on him—and the boys, to bother and frighten him, hollo out “*Indians*,” and cut capers.

In order to show the varied business of the court, and to illustrate the somewhat quaint humors of the day, and the manners, customs, and occupations of our predecessors, I will present, miscellaneously, a few of the trials of the time. This will picture before us the people of the day in a somewhat more vivid light than would a general narrative.

A pleasing feature connected with the administration of justice in *Nieuw Amsterdam*, was that litigation and strife were discouraged, and effort was made by the magistrates to bring parties, if possible, to a reconciliation or compromise. Mutual friends were frequently appointed to settle disputes. This was particularly the case in troubles between man and wife.

Mrs. Annetje Fabritius, formerly Annetje Cornelisen, a widow, brought a petition for separation against her husband Jacob, and requested an order that the unfortunate Jacob should be directed to vacate her house. The defendant requested that an advocate be allowed him, as he did not understand the Dutch terms in the petition.

The Court, among other things, decreed and ordered “that the parties comport themselves as they ought, in order that they win back each other’s affection, leaving each other, meanwhile, unmolested.”

When, in 1665, just after the English occupation, there was trouble between Arent Juniaansen Lantsman and his wife Beletje, daughter of Lodowyck Pos, the decision was: That “the court having inspected the papers and heard the debates, postpone the decision until next court day, and meanwhile their worships authorize some honorable and fitting person to reconcile, if possible, the parties to love and friendship.” Further we read that Juniaansen not having reformed in his treatment of his

wife, the matter was referred to Domine Johannes Megapolensis and Domine Sam'l Drysius, who are requested to arrange, if possible, the question between him and his wife, and to reconcile them; "then, on the promise of amendment, and that such should not occur again, shall the past be forgiven; but if one or the other party will not abide by nor submit to advice and arbitration of the reverend preachers between this and the next court day, then proceedings may be expected according to the style and custom of law, as an example to other evil housekeepers."

We further read of this trial, that Lantsman comes into court and complains that his wife's parents "would not come to any agreement, nor listen nor submit to the advice or arbitration of the venerable ministers, requesting therefore that the court would please order his wife to return to him, as he could not any longer live without his wife, promising again to live with her as an honest man ought to do." Whereupon the wife was called upon and the husband's request read to her, and she was asked if she would now go with her husband on the promise of amendment given by him, but she answered "No—as he had already promised the same, but never kept it."

The court, having heard further the statement of the parties, declare that they have contributed all in their power, as well through the clergymen as otherwise, to reconcile parties in love and friendship, but all in vain; but finally came to the conclusion that the great cause of trouble is the wife's parents, and therefore order them "not to detain Mrs. Beletje in their house over fourteen days, within which time the parties must be reconciled, and the husband is exhorted to behave himself or he shall be delivered over to the Governor to be imprisoned or separated from bed and board, or otherwise, as shall be deemed proper, as an example to other householders."

Subsequently, Mrs. Beletje still remaining with her father, Lodowyck Pos, Arent Lantsman petitioned the court that their order should be enforced, and that they should compel his wife to return home.

Whereupon the Court, being somewhat perplexed, referred the whole matter to a jury, who decide that Mrs. Beletje shall return home, and that Mr. Pos shall no longer harbor her, which verdict was confirmed by the court.

The further incidents of this little domestic episode have not come down to us. A curious feature of it was that Lantsman, who was now so anxious to get back his wife, was complained of before his marriage, after publication of the bans, for not proceeding with the ceremony; to which he responded for excuse that his clothes were not ready.

A duel, too, was settled by the kind offices of the court in 1654.

Francoys Fyn had flung a wine glass at Johannes Withart, at the house of Abraham La Moy.

Accordingly, as the chronicle reads, through the intercession of their lorships Arent Van Hattem and Paulus Leendersen Van Die Grist, commissioners appointed by the Burgomasters and Schepens, the parties came to an agreement and settlement of the dispute between them. This agreement was brought about by a little *symposium*, which put all parties in good humor; and it was determined that Fyn should pay fifty carolus guilders to the deacons of the church, also one beaver skin to the Secretary of the Council, and also pay up the score run up in the arbitration while sitting at the public house.

Slander and reviling, and even scolding, were visited with condign punishment.

Our Dutch friends were very touchy on all points affecting their good name and reputable standing.

They had a sensitive honor, were proud of their repute as honest men and women, and not afraid to bring the slanderer up to the bar of justice.

And the worthy burghers, even if a lady was a little free with her tongue, had a wholesome lesson taught her through the intervention of the court.

Madaleen Vincent was fined sixty guilders for abusing the worthy Schepen Wilhelmus Beeckman, and saying to Beeckman's wife that the Schepen and the Heer Fiscal were in the habit of gambling away money of Madaleen's husband and leading him into evil courses.

Pieter Gansen accused Maria Boot of saying he was a "thief and a rogue."

Maria responded that the plaintiff first scolded her, and that he ought to quarrel with men, and not with women.

The worshipful court condemn the defendant for her bad and unbecoming language, "which ought not to be tolerated in a well-ordered place where justice is maintained," in a fine of 25 guilders, and that she ask the forgiveness of Justice and the plaintiff, and pay costs.

Jan Cornelisen, calling Rutgert Jansen a "*spitterbaard*," and Jansen, in retaliation, calling Cornelisen an "*Indian dog*," were both fined. So also Peter Pietersen Smit, for calling Joghem Beeckman a "black-pudding!"

Isaac Bedlo was brought up for calling Joost Goderis a "horned beast," on which occasion Gysbert Vanderdonck, one of the witnesses, pleaded he was not of age, and therefore, he said, "according to divers authors and jurists, not obliged to make oath concerning such a matter;" which plea the court overruled, and the learned and precocious Gysbert was obliged to testify.

In the earlier time we find the Rev. Francis Douty, the English dissenting minister, summoning William

Gerritsen for libel, which consisted of a defamatory song against plaintiff and his daughter.

The defendant pleaded guilty, and was sentenced to stand bound to the May-pole in the fort, with two rods around his neck and the libel over his head until the conclusion of the English sermon, and should he ever sing the song again to be flogged and banished.

This was a severe lesson to William, and no doubt taught him better manners.

When Jacob Hendricks called Hans Hendricks a "*moff*," it was so bitterly resented that it led to their fighting with knives.

This word was a nickname given to the Germans in Holland. Hence the modern word "*muff*" as a depreciatory term.

On another occasion, Peter Wolphertsen, husband of Hester Symons, sues Thomas Sandersen, husband of Sara Cornelsen, for the slander of the fair Hester. Whereupon, when brought into Court, Mrs. Sandersen with a repenting spirit and a slight simper, says she knows nothing against Hester Symons, and has seen nothing amiss with her ; and begs her pardon if she has ever spoken ill of her. Which remark seems to have poured oil on the waters and closed the trial in amity.

So, also, the widow Catrina Bartram sued Thomas Jacobsen for slander. When brought up, however, the defendant declares in court that he knows nothing of plaintiff but what is honest and virtuous ; and plaintiff, reciprocating this pleasant remark, on her part declares that defendant is a "decent young man." It was to be expected that this open interchange of sentiment might lead to a domestic incident, but the fair widow subsequently yielded to the matrimonial claims of Pieter Gurgens, who had admired her spirit in asserting her character.

There was a terrible time in 1662, between Mrs. Geertruyd de Witt, the miller's wife, and Mrs. Anneken Kocks, the latter being accused of striking the former and calling her husband a *cuckoo* !

The defence was that plaintiff's husband beat Mrs. Anneken's maid, and that plaintiff first seized the defendant by the cap and tore it from her head. Defendant further stated that her maid had run away and she could not produce her. She also calls as witness Gisbert, a soldier, who was also absent. Neeltje, the maid, subsequently appears. Urged to tell the truth, she says she was told by her mistress to state that she was first attacked by Mrs. De Witt. Finally, on the last day of trial, defendant is asked if in pursuance of the order of the last court day, she hath proof that Jan de Witt's wife had first pulled the cap off her head. Whereunto she answers there is proof enough of it, but she cannot obtain it; exhibiting the cap which was torn from her head, and says she is content if plaintiff will declare by her child unborn that she did not then first attack her. Finally Mrs. Anneken is fined fifty guilders and Neeltje severely reprimanded.

Joghim Beeckman asks that the court give him honorable and profitable redress against Pieter Pietersen for saying that he, Beeckman, was not an honest man.

The Court asked Beeckman how he understood "honorable and profitable." He answered that Pietersen should acknowledge him, Beeckman, to be an honorable man.

Whereupon Pietersen was asked in presence of Beeckman if he knew anything dishonorable of Beeckman; he answered "*No.*" The Court thereupon returned the parties their papers and ordered each of them not to molest the other any more about the matter, but to live together in peace.

We will imagine ourselves, for the moment, visiting the *Stadt Huys* of *Nieuw Amsterdam* at the morning session of the Court.

It is a little before nine o'clock, of which we are notified by Jan Gillesen Koeck, who is lustily pulling the Court-House bell, which is situate in the little cupola crowning the roof.

The citizens who have business to do with the court are walking to it along the water side, or the *Hoogh straat*, discussing with each other the disputed matters of the day.

Solomon La Chair, the notary, with Wassenaer's Praxis in his hand, walks arm and arm with his *confrère*, Van der Veen, conferring on some mooted point, or denouncing the Director's last innovation on municipal rights.

The little Dutch boys, careless of the great interests impending, are whooping and sporting on the green, in front of the Court House, or jumping among the cabages in the jailer's garden in the rear, or staring, perhaps, in awe, at Big *Pieter*, the negro, the town whipper and executioner, who stands in the conscious dignity of his position leaning against the half gallows erected on the green.

On the "Puy," or platform, whence the state proclamations and city ordinances are announced, gathering his breath, sits old Stoffel Mighielsen, the town crier, who has just rung his bell three times and read some new directions from their High Mightinesses the States General, or from the Fort. In the river, in front, two Indians are lazily paddling their canoe, laden with tobacco and maize, towards the little canal in Broad street; while out in the bay lies, drying her sails in the sunlight, the *Nieuwe Liefde*, "New Love," just arrived from Virginia, the pride of the nautical men of *Nieuw Amsterdam*, and supposed to be the first three-masted vessel built on these

shores. There, too, is the "*Prins Maurits*," just sailing for "Faderland," and the jovial song of her crew, weighing anchor, sounds cheerily over the bay. We now ascend the few steps of the *stoep* and enter the court-room of the *Stadt Huys*. Engraved on the panes of the windows are the arms of the city of *Nieuw Amsterdam*.

Over the bench for the justices are interweaved the orange and blue and white colors of the West India Company, with the tricolor of Faderland.

Around the room hang the leather fire buckets ready for use.

On the magisterial seat are placed the stuffed red cushions, which are carried to the church on Sundays, and which are to hold the weight and judicial wisdom of *Nieuw Amsterdam*. Behind, is ' the painted coat-of-arms of the City sent over by the Directors from Holland in 1654.

Johannes Nevius, the Secretary of the Court, has taken his place at his desk, and is looking over his book of minutes.

On one side of him is a little box containing the seal of *Nieuw Amsterdam*—the beaver for a crest and three crosses, *saltier*, surrounded by a wreath of laurel ; at the other side is the half-hour glass, which, with Dutch punctuality, is turned precisely at nine, in order to fine such members of the court as are behind time ; six stuyvers for half an hour's delay, and twelve for an hour's.

The Gerechts Boode, or Court Messenger, Claes Van Elslant, son of old Claes Van Elslant, the former court messenger and gravedigger, sits on one side of the Secretary.

Pieter Schaafbanck, also Court Messenger and Jailer, is assigning places to those coming in and looking after Matthys, the negro, a prisoner whom he has brought from the little jail-room adjoining, arrested for stealing

Thomas Hall's fire wood. Pieter is more careful of his prisoners now, since he let Ritzert Bullock escape, and had to answer to Allard Anthony, the plaintiff, for it.

Matthew de Vos, the Bailiff, is listening to some loquacious *vrouw*, who is rehearsing her wrongs in no undertone.

On a little rack near by are the portly folios, the legal books of the day, the "*Practyke ende Hande Bouck in Crimineele Zaacken*," by the learned Doctor Van Brugghe; the "Placards, Ordinances and Octroys of the Honorable, Great and Mighty Lords, the States of Holland and West Friesland;" "The Placards and Ordinances of the Lords, States General;" "The By-Laws of Amsterdam;" "The Dutch Court Practice and Laws;" "The Wisburte Admiralty Laws;" "Van Sutphen's *Nederlandse Practycke*," and Damhouder's, and Barnardyn's and Muscatellus' great works on criminal practice.

Against the wall is the nut-wood chest, where are kept under massive clasp and bands the records and archives of the court.

Now come in the parties and witnesses summoned for the day. Some to plead their own causes; some talking with the notaries.

Silence is proclaimed in solemn tone by Claes Van Elslant, who turns the glass. A little cur is kicked yelping from the room. The awe-struck multitude subside in seats as up the middle passage march the worthy Pieter Tonneman, the City *Schout*, and the Most Worshipful the Burgomasters and Schepens of Nieuw Amsterdam. There are Burgomasters Paulus Leederzen Vandie Griest and Oloff Stevenzen Van Cortlandt; and Schepens Joannes Van Brugghe, Jacob Strycker, Joannes de Peister, Isaac Greveraet, and Joannes Van der Meulen.

When their seats are taken Domine Megapolensis looks towards the ceiling, and raises his voice in the

prayer usual on the occasion of the installation of the magistrates or at the beginning of the court terms.

An extract of which I give, as showing the reverent spirit of the time :

“We beseech thee, oh, fountain of all good gifts, qualify us by thy grace, that we may with all fidelity and righteousness serve in our respective offices. To this end enlighten our darkened understandings, that we may be able to distinguish the right from the wrong, the truth from falsehood, and that we may give pure and uncorrupted decisions, having an eye upon thy Word. * * * * Let all respect of persons be far removed from us, that we may award justice unto the rich and the poor, unto friends and enemies alike, to residents and to strangers, according to the law of *truth*; and that not one of us may swerve therefrom.”

The session of the Court being opened, Joannes Van der Meulen, by Solomon La Chair, his attorney, requests that a copy of Warnae Wessel's rejoinder be served on him.

Geertje Teunis, is brought up for tapping beer for negroes on a fast day.

La Chair, as attorney for Jeems Mills, files his claim against Nathaniel Grain, in the great ship-attachment suit about the “Dolphin.” Then comes up the suit of Symon Ydes against Hendrick Arensen, the Spaniard, for an accounting, as ship's husband, of the receipts of the schooner “Princess.”

Mrs. Litschoe then petitions the Court that the Bailiff sell some of the books of the late Sir Henry Moody, of Gravesende, who had died in Virginia, which books were left in her house in pledge for the young baronet's board. Among the books we find a Latin Bible and seventeen books on divinity and various Latin and Italian books, including the *Sylva Sylvarum*.

Symon Jansen is there in his suit against Albert Albertsen, to recover the price of land sold.

There is Jacob Steendam suing, by Jacob Struycker,

to recover his rent of 289 guilders, two beavers and one wild cat skin, against Arent Lantsman.

Madame Verlet, wife of Captain Nickolaes Verlet, appears in her attachment suit for 200 florins against Albert Albersen, the ribbon weaver.

And Asser Levy, the Jew, for his friend, Abraham Cohn, at Amsterdam, sues Cornelis Pluyvier on the bottomry bond given said Pluyvier on his vessel.

There, too, is Abraham Frost getting his summons against Francois de Bruyn, for the delivery of seven ankers of strong waters.

Then Jan Van Gunst and Thomas Teiller are brought up for fighting.

Jacob Teunizen Kay is brought up and fined for not making his bread of the lawful weight.

After ordering some attachments to be issued, appointing arbitrators, and directing summons for next court, and appointing curators of insolvent and intestate effects, the Worshipful Court adjourns for the day.

The tender emotions, in those days, gave frequent subject for judicial consideration.

In the earlier period, in 1642, we read of Cornelius Melyn, the Patroon of Staten Island, suing Egbert Woutersen for loss of the services of defendant's daughter, who had engaged to be married before her term of service to Melyn expired.

Elsje Jans, the maiden in question, testified that her mother and another woman had brought a young man to Staten Island whom she had never seen before, and desired her to marry him; that she declined at first, as she did not know him, and had no inclination to marry, but was over-persuaded and finally consented.

She concluded, as a propitiation to the offended majesty of the law, by returning in court the *pocket handker-*

chief she had received as a wedding present from the over-persuasive youth.

On May 17, 1644 (about two years later), we also read of Elsie Jans, as *widow* of Jan Petersen, suing William Harlo for breach of promise.

The fair Elsie on this occasion produced a shilling, which she said she received from defendant as a pledge of his troth.

In 1656, before the Council, we read of Rose Goele suing Francois Soleil, the gunsmith, for breach of promise. Francois had ungratefully refused to be united in Hymen's bonds, although the bans had been published and the parties had cohabited. He took before the Court the usual ground of uncongeniality of temper. He also ungallantly put in a plea that the fair plaintiff had a bad breath, and was capable of killing any man living with her, and that he would rather join the Indians than marry her.

An interesting case also was that of Maria Besems, who, in 1660, summoned the gay deceiver Boudewyn Van Nieuwland before the Court for breach of his promise to marry her. We have a list of the tokens of interest which were produced before the Court as evidence in the plaintiff's case. First there was a little letter which Boudewyn wrote her, without any date thereto. Secondly, a copy of a written promise to marry her, upon which the too trusting Maria had fondly relied. The third piece of evidence was a torn letter written with a red lead pencil. The fourth was a certificate of her character by Dr. Sam. Coster and Mr. Jacob Block, surgeon at Amsterdam. The promise to marry, it appeared, had been abstracted by the defendant out of Maria's trunk on board the ship wherein they had come over.

The defendant was held to bail in 3,000 florins, and subsequently an attachment was issued against his goods for the amount.

We have also the interesting case of Pieter Kock, of New York, who sued Anna Van Voorst, single maid, living at Ahasimus, reciting a verbal promise of marriage mutually entered into, and certain documents, presents and gifts. It appeared that Miss Anna, in consequence of certain misgivings, was in no way disposed to be married to the said Pieter; and it was also proved by two witnesses that Pieter had theretofore given her up, with the promise of a written acquittal. Theretofore we read in the words of the record: "The Burgomasters and Schepens by these presents decide, that, as the promise of marriage has been made before the Omniscient God, it shall remain in force; so that neither the plaintiff nor defendant, without the approbation of their lordships, the magistrates and the other one of the registered parties, shall be permitted to enter matrimony with any other, whether single man or single woman."

As Pieter Kock died in 1661, leaving a widow Ann, or Annetje, it is to be presumed that his aspirations were finally gratified, although Annetje turned out a termagant, as further records show.

There were gay roysterers occasionally at night about Nieuw Amsterdam. Arrested by Captain de Pos and his Rattle Watch, or falling under the observation of the vigilant Schout, they had to answer for their peccadilloes before the court.

We find Abel Hardenbrook fined forty guilders for "having at night, and at unseasonable hours, in company with some soldiers, created an uproar and great insolence in the street by breaking widows." So also Frans Jansen, for breaking windows and making a noise. So also Gerritt Gerrizen, for catching Annetje Cristopels by her plaited hair and pulling her on the ground.

Cock fighting seems also to have been a sport indulged in by the "bloods" of the time. We read that Dirck

Jansen Van Deventer was sued by Jan Bally for striking the latter on his nose and mouth, and also for setting his dog on him, so that the dog bit him and tore his breeches. All which arose from Bally taking up a cock belonging to a companion. Bally asked of the Court that his injuries be *repaired* honorably and profitably. Van Deventer alleged in defence that the plaintiff first struck him with a rattan, and that he had no dog, and that it was his own cock the plaintiff caught up and took, and demands damages for the bird and the blow, and for the plaintiff having called him a "Dutch dough face."

The Court decides that as there are no witnesses to the matter, but as each party swears to his own story, they shall shake hands with each other and give each other no more trouble on the above account.

The hogs and pigs, too, gave a great deal of trouble in those days, and furnished abundant aliment for litigation.

There was a pig case which required almost Solomon's judgment properly to decide.

Abraham Jacobsen complained to the Court that a certain sow pig was found on the land of Harmen Smeeman, and, as no one recognized the animal, Harmen Smeeman gave her to him, on the condition that if the owner came he should give her up. Whereupon he took the pig, and proclaimed her through the town.

But he alleges that the defendant, Joseph Waldron, has seized and kept possession of the pig without saying that she is his. The plaintiff requested the Court that defendant Waldron should show what right *he* has to the pig, or allow him, the plaintiff, to retain her.

Waldron, on his part, alleges that the pig came in the winter among his hogs and ran with them and ate with them, and was admitted into their society without his

knowing who the right owner was, and that plaintiff had no more right in her than he has.

The Worshipful Court, puzzled by these doubtful rights, after due deliberation, decide that, as neither party can swear that he is the owner of the pig, the pig shall be proclaimed by the deacons for eight days, and that they shall take her in default of right.

Our old friend Mrs. Anneke Jans Bogardus also appears upon the forensic scene.

The old lady does not submit herself personally to the annoyance and nervous irritation of the litigation, but sends Joannes Pietersen Van Brugh to represent her in an action for the rent of the valuable tract in the heart of this city now owned by Trinity Church, and claimed by a thousand thirsty litigants.

She demands of Laurens Duyts, as assignee of the lease, the full rent of the Bouwery, which she leased to Jan Van Lieden.

The defendant answers that he is not indebted, as Mrs. Anneke had released him from the rent, for which he was to pay two hogs, and that he hath paid one.

The Court very properly ordered him to pay over the other hog.

This same Duyts was subsequently sentenced to be flogged and have his right ear cut off for selling and making over Mrs. Laurens Duyts, his wife, to one Jansen.

There was also a great bear case in 1663, wherein Aaght Jans sued Cornelis Jansen.

The plaintiff averred that her boy shot a bear, which he tried to put in his boat, and that defendant came up there and said that he had chased the bear, and the half belonged to him. He thereupon forced the boy to toss up who should have the skin, which the plaintiff says her boy lost.

Mrs. Jans, with a proper view of the law as to the

inadequacy of contracts made by duress, maintained that the defendant had no right to the skin, but that her boy should have it because he had shot the animal.

The defendant, on the other hand, claimed that he chased the bear, and that he was on one end of an island and that the boy shot the bear on the other end, and admitted that he told the boy to toss up for the skin. Defendant further answered that he had eaten up the meat, which was past fighting for.

After due deliberation the Worshipful Court decreed that the bear belonged to the boy, as he had shot him ; but since half the meat had been consumed by the defendant, and the plaintiff is content with the skin, that defendant shall deliver up to plaintiff the skin of the aforesaid bear, and that the defendant might keep what he had eaten.

Among the miscellaneous trials we find a notable one of Hendrick Jansen Claarbout Van der Goes. He was charged with uttering treasonable words against the Government, which subjected him to capital punishment. The Court being in doubt whether it could inflict capital punishment, that being within the jurisdiction of the Governor and Council, was authorized by the Director to hold the court for the investigation of the matter. Many of the Court voted for capital punishment. The sentence finally was that the accused be whipped, branded, and banished the country.

There was also a muff case, in 1659, between Hendrick Willemsen, the baker, and Jan Cornelisen Van Hoorn, which the Court had to refer to arbitrators to decide.

The plaintiff demanded from defendant a muff which was brought to him to have made smaller, and which he spoiled. He requested payment, or that the muff be returned in *statu quo*.

The defendant replied that the plaintiff's wife left it to

be made smaller and narrower, and that he did not cut it off, but took it in.

The plaintiff replied, saying that his wife said to defendant, "Jan Cornelisen, we wish you not to make the muff smaller or larger, but leave it as it is." All which the defendant denied.

The Court referred the knotty matter to two old citizens, Jacob Strycker and Isaac Kipp, to examine whether the muff was spoiled; if not spoiled, to estimate its value, but at all events to reconcile the parties, if possible, otherwise to report to the Court.

Among the miscellaneous trials, also, we find Egbert Van Borsum, the ferryman and tavern keeper at Breuckelen, suing Captain Augustyn Beaulieu, a gay French captain, who by permission was allowed by the Council to bring a prize into port, and who remained for some time, making himself merry in New Amsterdam. The suit was for an entertainment given for fourteen persons, which had been ordered by the gallant captain. The captain responded that he would pay for half, but that the other guests agreed to pay for the other half. He also objected to part of the bill as being charges for trouble and cleaning up.

The Court charged the captain with 250 guilders, on the ground that he had ordered the dinner; and ordered that the other defendants pay the rest, unless they prove that the captain had invited them.

We find also an action against Jacob Leisler, the subsequent dictator of New York, during the troublesome times of King James' abdication.

Leisler was then a young man, who came here to seek his fortune in the military service of the Government, and had just married a well-to-do widow. He appeared in court to meet the demand of Agnytie Hendricks for a year's wages, amounting to 100 guilders in seawant and

four beaver skins, for having dismissed Agyntie from his service before the expiration of her year's hiring.

The defendant answered that inasmuch as plaintiff had consumed almost a bottles of strawberry preserves, also biscuit of his ; moreover, as it came to his ears that she had two fellows climb over the wall to her while he was in church with his wife, and received no service from her, he had nothing to do with her.

Plaintiff denied having had the fellows climb over the wall, and claimed that the children ate the preserves.

The Court finally decreed that the defendant pay plaintiff a quarter's wages.

This decision seems to have settled two historical facts and one legal proposition.

First. That there were strawberry preserves in those days.

Second. That children in those days were fond of them.

Third. That it was no legal defence against a claim for wages that a "Biddy" should have a cousin or two to jump over the wall and pay a friendly visit while the "folks" were at church.

There is also among the records of the court a commission granted to the curators or trustees of the estate of the deceased Harman Bamboes. By the law of the time, when the debts of an estate exceeded the assets, the right to succession or inheritance might be relinquished, and the heir or widow relieved of all claim from the decedent's creditors.

The recital in the commission in question contains the quaint metaphor of words, in which the widow relinquished her rights. The recital is as follows :

"Whereas Harman Jacobsen Bamboes has been lately shot dead, murdered by the Indians, and whereas the estate left by him has been *kicked with the foot away by his wife, who has laid the key on the coffin*, it is therefore necessary to authorize and qualify some persons to regulate the same, in order that the interested or the directors may obtain their own."

The widow thereafter renounced in court all right to the estate, and when asked to declare that she had no property concealed, declares "by her *troth*, instead of an oath (as she is scrupulous and not accustomed to take an oath), that there is no other property."

As connected with the legal transactions of the time, I must refer more particularly to two or three of the old notaries of New Amsterdam.

Many of their original official acts are still to be found in our archives. These bring back vividly the living actors then passing along the stage of life, with their daily schemes and plans, and interests such as our own.

As we look over the musty records of Walewyn Van der Veen, yellow and worn by time, we can picture to ourselves, for example, old Juriaen Blanck, the schipper, and his faithful helpmate Tryntje, hand in hand, entering the notary's house on the *Perel straat*, with two witnesses, Pieter Jacobus Marius and Jacobus Vanderwater, to execute their will made in favor of each other.

Wills were solemn affairs in those days. I will give you a part of the will as executed, showing the pious feeling which in that day pervaded all transactions :

"In the year of the birth of our Saviour Jesus Christ 1662, on the 21st August, about nine o'clock in the evening, before me, Walewyn Van der Veen, notary public, &c., in New Amsterdam, in New Nederland, and before the undersigned two witnesses, appeared the worthy Juriaen Blanck and the virtuous Tryntje Klaessen, married people, to me, the notary known, both in the full possession and use of their understanding, memory, and speech, as outwardly appears to us ; who, reflecting on the shortness of human life, the certainty of death, and the uncertainty of the time and hour thereof, in order to anticipate the same by prudent foresight, and after mature deliberation and advice, and without being by any one thereto misled or sinisterly persuaded, after having previously commended their souls into the merciful hands of the Almighty God, and their bodies to a decent burial, and revoking all foregoing testaments, they, the appearers, making their will, have, out of love and special nuptial affection, which they declared they bore

to each other, and good considerations given to each other reciprocally on both sides as 'they hereby do, all the fruits and profits of all the goods without any exception, which the first dying shall happen to vacate and leave behind by death," &c.

Dirck Van Schelluyne, another notary, was commissioned to practice as notary for New Netherland by a resolution of the States General, in April, 1650, being formerly a notary at the Hague.

He was a man of independent spirit, and protested against Stuyvesant's encroachments on the public rights, saying that "he dared not prepare *any* more writings, but commended matters to God."

Finally, after complaint to the States General of obstruction to his due action as a notary by Stuyvesant and his council, the States General sent a positive mandamus to Stuyvesant and the Council that Van Schelluyne should be allowed to discharge his functions without their interference.

Solomon La Chair was also a prominent man in those days, and added to his employment as notary that of landlord in one of the little taverns of the town. He also attended the courts, as we have seen, as a practitioner and pleader. Among his notarial records we find an account of an action prosecuted by him in 1661 in behalf of the magistrates of the town of Gravesende, as successors to the title of Lady Deborah Moody, against Evert Pieters and Harmanus Vedder, as agents of Gysbert Van Opdyck, to establish the title of the magistrates to the region known as *Conyen*, or Coney Island. The suit was determined in favor of the magistrates. For gaining this important suit, the worthy notary's bill of twenty-four florins, or about \$10, is annexed in full to his report, which also shows how the bill was paid, viz. :

"Furnished a copy of this acc't to the Schout of Gravesendes on 16 Jan'y, 1662, who promised to pay me in gray peas, at Beaver's price.

Rec'd of Wilhelm Wilkins, in paym't of above acc't, eight skepels of gray peas."

Solomon La Chair was also a man of spirit, and not afraid to speak out his views on any subject.

We find him, in 1655, charged with affronting the Fire Inspectors, then going their rounds to order to be taken down all wooden chimneys. The worthy Solomon abused these officials as chimney sweepers, and said, when a fine was demanded of him by the court messenger, "Is it to have a little cock booted and spurred I shall give it?"

For this the Court imposed a fine of twelve guilders, the sentence stating "that it is not seemly that men should mock and scoff at persons appointed to any office, yea, a necessary office."

La Chair was also a man of might and metal, for we read he was complained of for taking away a soldier's sword who was having a war of words with one Vervelen in La Chair's tavern. The Schout claimed that a landlord had no right to take away a soldier's sword when insulted. La Chair proved in his defence that, on the two parties fighting, he had separated them, carried Vervelen home, and kicked the soldier out of his house.

The worthy Solomon had several little litigations of his own. We find him sued by Claas Vissen for two hogsheads of French wine, and by Geertje Hoppe for drinking a can of wine with sugar.

We find him also complained of for tapping after the ringing of the nine o'clock bell, and sued for rent by Jacob Steendam, the Amsterdam poet, and also sued for wages by a hand on his yacht, the *Pear Tree*. When sued for the balance due on the purchase of a house, we read his curious answer requesting time, and saying that the money was ready at one time, but had slipped through his fingers.

La Chair was also a farmer on the excise of slaughtered

cattle, but in spite of his various employments he died insolvent about the time of the surrender, in 1664. His widow, Anneke (Ryzens), soon consoled herself by marrying one William Doeckles. On being questioned in court whether she had given up all the deceased's property to his creditors, she said that a gown and petticoat still remained in pawn with Frederick Philipse (subsequently lord of Philipse's manor) for a debt of 150 guilders contracted by her in widowhood.

The Court then said that whereas William Doeckles agreed to pay the debts which Anneke had contracted in widowhood, the gown and petticoat must go to the benefit of the deceased husband's creditors.

We are informed, however, that the fair Anneke thereupon pleaded her own case, and earnestly brought the Court to allow her to retain her gown and petticoat, which probably were of some favorite fashion, and that her eloquence was so effectual that the Court finally granted her request, and entered an order of indemnity to the curators of the estate.

By further entry on the records we find that Anneke had still a feeling of affection for her departed lord, and a sentimental memory of her first, in spite of her new relations. Even in the midst of the agitation and excitement consequent upon the surrender to the English, the Court did not refuse to hear Anneke's humble petition to retain out of the bankrupt estate a picture of herself and her deceased husband. She also requested to retain the family bed on a valuation to be fixed by the arbitrators.

The last memorial record we have recalling Solomon's existence is that wherein Hendrick Obe, in January, 1665, claimed a preference over the other creditors for *expenses* in providing an anker of French wine for the sorrowing guests, who smoked and drank as they talked over the virtues of the departed worthy at his funeral ceremonies.

Pelgrum Clocq, another notary, seems not to have been a very successful practitioner, his receipts for some time not keeping him in drink and board, for which he was sued.

Pelgrum Clocq seems also to have been unfortunate in making many mistakes.

In one instrument he had wrongfully recited the appointment of a guardian of an infant on the sale of a house, and, after reciting the facts, he is thus openly reprimanded in court :

“ *Whereas* you, Pelgrum Clocq, in the above and other of your instruments, have committed great abuses, whereas serious mischiefs might arise, and according to the law of the Orphan Chambers no notary can draw up any instrument relating to widows and orphans without a chosen guardian, therefore you are hereby ordered and charged by the Burgomasters and Schepens of this city not to draw up within six weeks from date any instrument appertaining to the subaltern Court of this city.”

We find among the records a contract of sale of land. It shows the important part played by John Barleycorn in the legal transactions of those days. It is as follows :

“Before me, Corneilus Van Tienhoven, Secretary of New Netherland, appeared Harck Sybesen, who acknowledged to having sold to Barent Dircksen his house and lot, earth and nail fast, both big and little, as the same is situated on the island of Manhattan, near Fort Amsterdam, which Dircksen also acknowledges to have purchased for 175 guilders *and a half barrel of beer, as a treat for the company*, to be paid in fourteen days, when the delivery of the house and dependencies shall take place.

“ It is agreed that if either party backs out or repents of the sale he shall pay a *half barrel of beer*.”

In abstracting the above various matters as specimens of what passed before our ancient court, I have only taken those of a somewhat curious and quaint character.

There were many other actions presented much more serious and important, such as ejectment and trespass for land, actions on charter parties, bills of exchange and notes to recover the price on sales of merchandise, and

others, abundantly illustrating the active industry and enterprise of the little city.

For example, there was the great admiralty case of Edward Leake against the merchant and trader, Nicholas Boot.

The case showed that Leake, an English merchant residing in New Amsterdam, made a charter party with Boot to take from a port in Virginia to the "*Manathaes*" a cargo of tobacco and hides. Boot, instead of landing all the tobacco, delivered only a portion, and proceeded to New England with the rest of the tobacco and other cargo to be delivered there. In returning he ran upon a rock in Hell Gate, near Barent's Island, and the vessel being submerged, the remaining tobacco was ruined.

Whereupon Leake claimed from Boot the value of the tobacco so destroyed, alleging that the voyage had terminated on the first arrival of the vessel at *Nieuw Amsterdam*, and that she should not have taken the tobacco further, and if she did, it was at the peril and risk of the shipowner.

Thereupon Boot, the shipowner, sued Leake for the freight, and Leake sued Boot for the value of his tobacco.

Judgment was ordered against Leake, whereupon he appealed to the Director and Council.

Subsequently we find this entry, in which our friend Solomon La Chair again appears as a "*bon vivant*:"

"Boot and Leake terminated their difficulty through the intervention of Solomon La Chair and Waraer Wessels, and it was agreed that Leake should pay the freight of the sound goods and his passage money, against which Boot shall make good to him the value of some of the cargo lost."

Each party was to pay his own costs, and also "*half the treat*," without which in those days no good arbitrator would condescend to act.

Now arrive the sad last days of the old Court—the period of the surrender to the English. Unaided by the Faderland, the old fort crumbled in ruins, with insufficient ammunition, and commanded by hills within pistol shot, with few soldiers to oppose against ships bristling with guns and manned by regulars; English Long Island, aided by savage auxiliaries, breathing rapine and slaughter. Stuyvesant sorrowfully yielded up the threatened town to save it from utter destruction.

Sadly now reads the chronicle of the day announcing to the Directors in Holland the doom that could not be averted. From the minutes of September, 1664, we read thus :

“ To the Right Honorable Prudent Lords, the Lords Directors of the Honorable West India Company, at the Amsterdam Chamber :

“ RIGHT HON. LORDS :

“ We, your honor’s loyal, sorrowful and desolate subjects, cannot neglect nor keep from relating the event which, through God’s pleasure, unexpectedly happened to us in consequence of your honor’s neglect and forgetfulness of your promise.”

The letter relates the history of the siege, and concludes thus :

“ Meanwhile, since we have no longer to depend on your honor’s promises or protection, we, with all the poor surviving and abandoned commonalty here, must fly for refuge to Almighty God, not doubting He will stand by us in this sorely afflicting conjuncture, and no more depart from us. And we remain your sorrowful and abandoned subjects.

“ P. TONNEMANN,

“ ISAAC GRAVERAAT,

“ P. L. VAN DER GRIST,

“ T. GABRY,

“ N. DE MEYER,

“ C. STEENWYCK,

“ JACOB BACKER.

“ Done in Jorck, herebefore named Amsterdam, A. D. 1664, 16 Sep.”

As a contrast, just after this sad missive was prepared and the doom of the Colony sealed, comes in Albert, the

trumpeter, from the *Schaap-waytie*, and demands the prosecution of a certain attachment made on a hog.

After the surrender, the old court continued its session in the Dutch style, administering the old laws for a long time after the change in the government.

On the 14th October, 1664, the magistrates and some of the principal inhabitants met at the City Hall, on notice from Gov. Nichols, who appeared with his Secretary.

There were the Burgomasters and Schepens, and Allard Anthony, Joannes de Peister, Jacob Kip, Jacques Cossean, Isaack de Foreest, Jeronimus Ebbinck, and other leading citizens.

Governor Nichols, on entering, asked where Peter Stuyvesant and Secretary Van Ruyven and the preachers were. He was answered that if it was known that they were wanted they should have been sent for, to which Nichols responded that they should be sent for. On their arrival, the Governor requested the assembly to take the oath of allegiance to Great Britain, which was read.

The meeting stoutly refused to take the oath, unless to the oath was appended that it was to be taken subject to the articles of capitulation on the surrender, and the guarantees given by those articles, upon which the Governor and his Secretary departed, and subsequently made proclamation, stating that the oath was to be construed with reference to such articles, upon which all who chose to remain in the land, under the new dominion, took the required oath.

On the 13th of June, 1665, Governor Nichols appears in the Assembly with his clerk, and the latter reads to the Court a formal revocation of the old Government, and a commission or charter to the "Mayor and Alder-

men of the new City of New York"—the first of its long line of charters—and still a muniment of title.

On the succeeding day, under the new charter, the Governor appoints Thomas Willet to be Mayor, and Thomas Delavall, Oloff Van Courtland, Johannes Van Brugg, Cornelius Van Ruyven and John Lawrence, Aldermen, and Allard Anthony, Sheriff. These are duly installed by the Governor, after kind remarks as to the action of the late Board, and mentioning the appointment of some English as well as Dutch, "on purpose that parties may be better aided on both sides, as well English as Dutch, who go to law, and the better to strengthen the peace and quietness of the inhabitants of this town."

The last entry of the records of the old Court, dated on the above 14th of June, is as follows :

"After the taking of which oath and the customary ringing of the bell three times, the aforesaid qualified persons are made known and proclaimed to the Commonalty of the City, in order that they hold them in due respect."

Amid these solemn proceedings there is an amusing interlude.

On the last day of the Sessions of the old Court comes Mrs. Pieterje Jans with a suit against Evert Duyckinck, for "*a little ornamental head dress*," worth fifty-five guilders, bought by his daughter from plaintiff, but which Mrs. Duyckinck had sent back, saying that the daughter had no right to buy such without the knowledge of the parents. The defendant says he was not present when his daughter bought the head dress, and knew nothing of it, and says it is *now no time to wear head dresses*, and, besides that, the price is extortionate. The plaintiff retorts that the defendant was near by at the time, and said it was his children's money, and what she states is as true as that she is a sinful woman and stands there.

The result was, after such an abjuration, that Mrs. Jans was awarded the price of the head dress.

After the surrender to the English, the little city, with a sigh after "*Patria*," as they called it, and sorrow for her desertion, settled down peacefully under the English rule, until occurred another crisis in its history, and the flag of the Faderland again floated from the staff in the fort.

The Dutch Captains Evertsen and Binckes, cruising along the coast from Virginia on a fine morning in July, 1673, caught Governor Lovelace napping, and uncovered their guns from seven ships of war against the fort.

Down to the waterside march Captain Manning and the English troops. Down Broadway to the fort march the Dutch with Captain Colve and his storming party, who find the gates open. The English flag goes down, the Dutch tricolor waves again in the breeze, and for a year again our old friends the Schout, Burgomasters and Schepens resume their lucubrations in the City Hall. The little city, under its changed name of New Orange, again sternly bristles against New England and transatlantic foe.

Again abandoned, however, by the Mother Country, the Province, by the Treaty of Westminster, is again ceded to Great Britain—Governor Colve is succeeded by Governor Edmund Andros—New Orange becomes New York; and the Dutch no longer possess New Nederland.

On the 9th of November, at the City Hall, where were present the Heeren Burgomaster and Schepens, and the Council of War, as the chronicle reads, the Governor-General Anthony Colve appeared in Court and communicated to it that he should, pursuant to orders, deliver over "on the morrow the Fort and Province of New Nederland to Governor Andros, in behalf of his Majesty of Great Britain."

He, thereupon, thanked the Court for its past services, and at the same time absolved and discharged them from their oath of allegiance to their High Mightinesses and his Serene Highness of Orange.

In 1679 the old City Hall began to fail. The records of the Supreme Court of that time show an appropriation of studs and planks to support its tottering frame.

Until 1699, however, still lasted its legal life.

For nearly sixty years this venerable servant of the Commonalty had ministered to the public weal, and seen the changes that Time brought forth.

It had grown old and decrepit in service. Most of its old Dutch friends had passed away. The living had few associations connected with it. Remorseless Time had claimed it, and John Rodman, a merchant, for about £900 purchased its remains.

Its successor, in 1700, was erected on the corner of Nassau and Wall streets, facing Broad street.

There is a reflection to be made upon the proceedings in the *Stadt Huys*, creditable not only to our Dutch predecessors, but to their English successors in the Colony.

There is *no stain of blood* on them based upon condemnation for religious opinions. The spirit of peace and good will that reigned in New Amsterdam still breathed benignly over the city changed in name, and stamped it then, as now, *imperial*, not only in commerce, but in *humanity*.

True it is that Stuyvesant, in opposition to the more liberal policy of his predecessor Kieft, hated and maltreated Quakers, and interdicted them from preaching. But Stuyvesant's harshness was not endorsed by the people, and met with the opposition of even his own sister.

Besides, Quakers, in those times, were somewhat malcontents, and openly scouted authority.

They were driven away, but not led to the gibbet, as in New England.

True it is that Domines Megapolensis and Drysius disliked Lutherans and opposed their establishment as a church where the Dutch church was still struggling for support ; but there was no interference with private belief or worship, and the Directors in Holland, testifying their opposition to a rigid sectarianism, wrote those domines that, in future, they would send out clergymen "not tainted with any needless preciseness, which is rather prone to create schisms than to edify the flock."

When Stuyvesant, attacking the Lutherans and Baptists, published his ordinance imposing a penalty for holding conventicles not in accordance with the Synod of Dort, it expressly waived any right to control the conscience, or to prevent such worship as people chose in families. Stuyvesant, too, was rebuked by the Home Government for having issued the ordinance.

When Francis Doughty, for venturing to assert that Abraham's children should have been baptized, was driven from New England, he was received at Manhattan, and land and money given him by Director Kieft, with a guaranty of freedom of religion.

When Throgmorton and thirty-five English families were driven from Massachusetts to banishment, they were received by the Dutch ; and as the ground brief, giving them lands on the East River, reads, were "to reside there in peace and enjoy the same privileges as our other subjects, and to be favored with the free exercises of their religion.

Many Protestant families not in accord with the Synod of Dort settled in New Nederland. Anabaptists from England, Huguenots and Walloons from France and the Spanish Netherlands, and Waldenses from Piedmont.

Roger William fled to New Amsterdam when driven

from Massachusetts ; and Mrs. Anne Hutchinson found there a refuge from persecution.

On an application, in 1661, by a committee of English planters to establish their congregational churches in such parts of New Nederland as they might settle in, and to be admitted as inhabitants by the Government, the answer of the Director-General and Council was as follows : Observe the quaint English words used—

“Because there is no difference to be found in the principalls of the worship of God betwixt those churches here and the Church in New England as only in the *Reininge* of the same. The Director-General and the Council doe not make much difficulte for to bear her condesent unto the two first prop'ns, more lesse because in our *Patria* do like here. The prosecute of conscience is not practiced. *Interim*, they does heartly wusch and hope, that through nearer congregations and monthly conference between our and their ministers, there sal be practised and continued good unite and brothership.”

Even when the Colony was needy and suffering, Director Kieft, with heavy ransoms, rescued the Jesuit Fathers Jogues and Bressani from the Indians and gave them refuge, food and clothing, and free transport to Europe.

The Jews, persecuted elsewhere, were here protected from insult. When Assar Levy, the butcher, petitioned the Court for redress, asserting that Claes Dietloffsen, weigher for the city, offered him “divers affronts,” and requested that he might be granted the same privileges and freedoms as are allowed to the other inhabitants of the place, the Court ordered Dietloffsen, under a penalty, not again to insult the petitioner. Salvador d’Andrada, and other Jews, in 1657, were, on their petition, admitted to the rights of citizenship.

When, under the *insania* of religious sectarianism, the arm of the civil government in New England, as has been remarked by Judge Story, “was employed in sup-

port of the denunciations of the Church," the Island of Manhattan was a refuge for the oppressed.

The *witchcraft* delusion found no home with the people of this island.

And yet they had New England for an example, then distracting homes and leading protesting innocents to the stake.

What, though the Common Law of England recognized witchcraft as an offence, and the Statute of James I. asserted it, and Queen Elizabeth, and King James, and Sir Walter Raleigh, and Lord Hale, believed it, and even Moses had said, "Thou shalt not suffer a witch to live," no law against witchcraft has been found among the Statute Laws of New Nederland or of New York.

During the heat of the witchcraft excitement, when even the English settlements of South Hampton and East Hampton were sending their witches to Connecticut for trial, the ministers of the Dutch and French churches in New York, in protesting against the summary style of proof and trial in vogue, asserted that "the apparition of a person afflicting another is very insufficient proof of a witch, and that a good name, obtained by a good life, should not be lost by mere *spectral accusation*."

Stuyvesant had good cause of complaint against Connecticut on this score.

We read, in 1662, of his letter addressed to the Deputy Governor and Court of Magistrates at Hartford, in behalf of one of his connections arrested as a witch :

"Honored and worthy sirs : By this occasion of my brother-in-law being necessitated to make a second voyage to ayd his distressed sister, Judith Varlet, imprisoned, as we are informed, upon pretend accusation of witchery, we realey believe, and, out of her well-known education, life, conversation, and profession of faith, we dare assure that she is innocent of such a horrible *crimen*, and wherefor, I doubt not he will now, as formerly, finde your honour's favor and ayde for the innocent."

The historian of the witchcraft delusion, the Rev. Charles W. Upham, expresses himself as follows as regards our city :

“The fact that when Massachusetts was suffering from a fierce and bloody persecution by its own government, New York opened so kind and secure a shelter for those fortunate enough to escape to it, ought to be forever held in grateful remembrance by the people of the Old Bay State, and constitutes a part of the history of the Empire State of which she may well be proud.

The only witchcraft trial on record on this Island is that of Ralph Hall, and Mary, his wife, of Seatacott, Long Island, under the English rule of Governor Nichols, in October, 1665, about a year after the English occupation. The indictment was by the Constables and Overseers of Seatacott.

The trial came off in the City Hall before the Court of Assizes.

The jury rendered the following special verdict :

“We having seriously considered the case committed to our charge against ye prisoners at the barr, and having well weighed ye evidence, wee finde that there are some suspitions, by the evidence, of what the woman is charged with, but nothing considerable of value to take away her life. But in reference to the man, wee finde nothing considerable to charge him with.”

The parties were immediately discharged by the Court in their own recognizances.

This is the only witchcraft trial here on record.

In 1670 the people of the town of Westchester, which was settled mostly by New Englanders, were very much disturbed. There came among them a poor old widow and her children, one Katherine Harryson. She was fleeing from the religious people of Wethersfield, Connecticut, who wanted to praise God by hanging their fellow creatures.

Complaint was made to the Governor by the Westchesterians of this terrible visitation, and of a Captain

Richard Panton, who had humanely given the hunted woman asylum. It was prayed to the Governor, by these valorous people, that he would order the old woman to be removed from among them.

The Governor scouted the petition of those who, in his words, "pretend their feares to be of a publique concerne," and the old woman having given bonds for her "civil carriage and good behaviour," the ensuing Court of Assizes held at New York peremptorily ordered the bonds to be discharged, and declared "that she hath liberty to remaine in the Towne of Westchester, where she now resides, or anywhere else in the Government, during her pleasure."

Thus peremptorily were the magistrates of the Town of Westchester rebuffed.

This is all there was of witchcraft on this Island.

Honor to sound Dutch common sense, and to English Governor Nichols, for it.

In reviewing the annals of our Dutch predecessors one cannot but be astonished at the low social and intellectual standard that has been given in some of our local literature to the founders of this City. They have by several writers been presented as boorish and ignorant. I have received rather a sharp criticism on a previous paper, in which I had endeavored to portray them truthfully in their social life; and had placed them, as I supposed, at a grade quite in accordance with historic fact.

It is remarked by Graham, in his "History of North America," that whereas the founders of ancient colonies have been deified by their successors, New York is, perhaps, the only Commonwealth whose founders have been covered with ridicule from the same quarter.

A late highly distinguished member of this Society, the Hon. George Folsom, in commenting upon this subject, remarked, that whatever may be thought of the wit and

talent displayed in the well-known travesty above alluded to, the regret has often been expressed that a son of New York should have seen fit to make the Fathers of the Republic the subject of a *coarse caricature*.

"English writers," remarks our late honored Gulian Verplanck, himself a direct descendant of the earlier time, "have long been accustomed to describe the manners and customs of Holland with a broad and clumsy exaggeration. Their old maritime contests and commercial rivalry may serve to excuse this misrepresentation in Englishmen, but for us there is no apology."

It is time that this wrongful view of our predecessors should cease.

While we may be amused by their quaint humor and some national peculiarities, let us place these hardy and resolute founders of the State in their proper place in history.

In many of the noble qualities that make an upright people we of this day might fruitfully study them.

The Dutch emigrants were not criminals, nor pirates, nor vulgarians, nor even refugees ; but upright, earnest, industrious and courageous men, composed mostly of the class who, as Motley says, "united much of the substantial wealth and the intelligence of the land, drawing constantly from the people and deriving strength from national enthusiasm." They came here actuated by that spirit of industrious enterprise that makes a thrifty and a virtuous people, and is the *true basis of national character*.

As regards the uprightness and justice that marked the administration of judicial affairs in New Amsterdam, Judge Daly, in his valuable and interesting paper on the Judicial Organization of the State, says :

"Upon perusing the records of the New Amsterdam tribunals it is impossible not to be struck with the comprehensive knowledge they

display of the principles of jurisprudence, and with the directness and simplicity with which legal investigations were conducted. In fact, as a means of ascertaining truth and doing substantial justice, their mode of proceeding was infinitely more effective than the technical and artificial system introduced by their English successors."

The Dutch here were a humane as well as a just people.

Although slaves were held in New Amsterdam, they were treated with great kindness, and allowed unusual license, and could not be beaten, *ad libitum*, by their masters.

We read of Jansen Vanderwin applying to the Court for permission to chastise his negro wench for some misconduct.

When Captain John de Fries left New Amsterdam on a voyage, in 1674, his power of attorney to Michael Jansen reads, that the latter should take care of and justly treat the Captain's free negroes and Brazilian women.

The Indians, too, were protected from outrage.

Jonas Jonassen, a soldier, for robbing Indians, was stripped of his arms, and publicly whipped and chained to a wheelbarrow.

A strong religious feeling pervaded both national and individual action in New Nederland.

We have already alluded to the recitals in one of the wills of the period. The following is a clause extracted from the concluding portion of a marriage settlement :

"The bride and bridegroom also promise to bring up the children, keeping their capital safe and not to touch more than the interest ; also, they will rear the children decently, send them to school, have them taught reading, writing, and a good trade, as decent, honest, and God-fearing parents are bound to do, but all according to their ability ; and doing nothing further than they will hope to justify before God and honest men."

A devout form of verification we read of when Mrs. Tryntje Jans declares her statement to be "as true as that God will make her a happy mother."

In a lease between Domine Bogardus and Robert Meuloff, of the Domine's *hoek*, the Domine, among other things, is to stock it with goats and pigs. The lease then reads, "of which animals they shall have the use for four years, provided that half the increase which God will grant shall belong to Evarardus Bogardus, and the other half to the lessees; and if it happens, *which God forbid*, that one or more of the aforesaid *goats or hogs* come to die, Domine Bogardus shall have the choice from the increase to his full number."

Here, too, was Dutch *honesty*, which became proverbial in Europe, and made the Dutch, from the confidence reposed in them, as it has been said, the cashiers of the Old World.

Their annals show them also to have been hospitable, kind and friendly to neighbors—to all comers—even with their grim neighbors of New England.

Among the earliest annals this trait appears. When the Dutch Director Minuit sent representatives to visit New Plymouth, and to establish friendly relations, he also dispatched "a rundlett of sugar and two Holland cheeses," as a little kindly present and *treat* to Governor Bradford, who was then with his people almost battling for life on their rock-bound coast.

Under liberal grants and encouragements from the Dutch West India Company, and the bestowal of patroonships, many persons of substance and high social position were also drawn here.

The soil was rich, the climate attractive, the peltry abundant. Many came as traders, many as planters or agriculturists, and some as professional men. We have heretofore spoken of the notaries and jurists here.

The Dutch clergy also, settled in New Nederland, were men of culture and University training.

The medical profession was also represented. There

were surgeons Jan Croon, Vander Bogaert, Aldart Swartout, Hans Kierstede, Jacob Hendricksen, Varre Vanger, and Jacob Hughes.

There is on record a quaint anecdote about the doctors which I must introduce.

In 1652 the surgeons requested, by petition, that no one in future be permitted to *shave* people but they alone.

The Director and Council consulted for some time on this weighty matter, and finally gave their decision as follows :

“ That shaving doth not appertain exclusively to *chirugery*, but is only an appendage thereof. That no man can be prevented from operating herein upon *himself*, or doing another this friendly act, provided that it be through *courtesy*, and that he do not receive any money for it, and do not keep any open shop of that sort, which is hereby forbidden, declaring, in regard to the last request, this act to belong to *chirugery* and the health of man.”

There was also Carolius Curtius, the scholar, who came out in 1659 to establish a classical school. Also Aegidius Luyck, whose Latin school was of such repute that pupils were sent there from Fort Orange (Albany), the South (Delaware) River, and Virginia.

There were also many Huguenots in the Colony or its vicinity — people of intelligence and education. The names of Lescuyer, Meseral, La Tourette, Consillaer, Dubois, Guion, Disosway, De la Noy, De Marest, and Rapelye represent Huguenot arrivals in the early days of New Netherland.

Indeed, there were so many people of superior means and intelligence that the dearth of common laborers was a matter of comment.

In the application for a municipal government, made by Adriaen Vander Donck and others in 1649 to the States General, among other causes of distress, is speci-

fied the "multitude of traders and the fewness of boors and farm servants."

There was even a sort of aristocracy in those days. Citizens were divided into the great and small citizenships, the former consisting of the members of the Council, the Burgomasters and the Schepens, the ministers, and all their descendants in the male line; also militia officers down to ensigns.

Among the notable men we have already referred to is Adriaen Vander Donck, a graduate of the Leyden University, and doctor of laws, who wrote a description of New Nederland in 1650, and another work, written with force and intelligence, exhibiting to the Company the condition of the Colony.

Lubertus Van Dincklage, Vice-Governor to Stuyvesant, was a lawyer and statesman. So, also, Nicassius de Sille, who was specially recommended to the Directors as one skilled as a soldier and versed in civil polity. Vice Director Wilhelmus Beeckman, Joceb Pietersen Kuyter, Henrick Vandyck, the Attorney-General, and Cornelius Van Ruyven, the Colonial Secretary, were also educated and notable men of the time.

Stuyvesant, too, the son of a learned clergyman, was a man of liberal education, and proud of his Latinity, which he was continually displaying in his messages to the Council.

Joannes de la Montagne, the Huguenot physician and councillor, was prominent also as a statesman and soldier, as also Captain Martin Cregier and Ensign Dirck Smit, whose courage and skillful leadership have not been excelled in any colonial history.

There were also among the prosperous merchants and traders Pieter Rudolphus, Cornelius Steenwyck, Johannes de Peister, Isaac Bedloo, Isaac Allerton, one of the "Mayflower," pilgrims, Nicolas de Meyer, Allard An-

thony, Govert Loockermans, Jaques Cosseau, Balthazar de Hart, the owner of the "*Haverstroo*," Thomas Hall, the tobacco merchant of Deutel Bay, Augustyn Heermans, and Peter Wolversen Couwenhoven, and many others that might be specified.

There were also even poets in those days, of whom Jacob Steendam was the most prominent.

Steendam was formerly in the service of the West India Company, and came here about 1650. He lived in the *Heere straat*, and had also a farm at Amersfoort, now Flatlands. He was the author of the "Praise of New Nederland" and "The Complaint of New Amsterdam to her Mother, Old Amsterdam."

His poems are full of mythological allusions and metaphors, showing a classic taste and cultivated imagination. He thus, in one place, apostrophizes New Nederland :

"O fruitful land ! heaped up with blessings kind—
 Whoe'er your several virtues brings to mind,
 Its proper value to each gift assigned,
 Will soon discover
 If ever land perfection has attained,
 Then *you*, in all things, have that glory gained—
 Ungrateful mortal, who your worth disdained,
 Would pass you over."

Domine Henricus Selns, of Breuckelen, was also a poet and an accomplished scholar. He wrote verses, not only in Dutch, but in Latin and Greek, and was author of various odes, among others some nuptial verses on the marriage of Aegidius Luyck, the Latin schoolmaster, with Judith Isendoorn, a connection of Director Stuyvesant, which winds up as follows :

"With them the best increase and joy within their portals !
 May this new married pair peace and salvation know ;
 The budding hopes of Luyck and worth of Isendoorn
 Develop more and more, and thus with time so grow
 They at the dying hour the port of heaven may know."

Nicassius de Sille, the Schout Fiscal, also wrote verses. They are said to be still extant, in the original, in the town records of New Utrecht.

Specimens of the poetry of the above New Amsterdam bards have been translated into pleasant English rhyme by our learned antiquary, Hon. Henry C. Murphy, of Brooklyn.

As regards other matters of taste and refinement, we find the Dutch here not deficient. They were fond of good things.

We read in the annals of New Amsterdam of carved work and silver bowls and pitchers, and tankards with silver chains, fine linen and downy beds, rich muffs, earrings and bracelets set with pearls, amber and coral as articles of merchandize, gay head-dresses and chains of gold; fur coats and rich beaver hats, and gold hat bands; toys for the little ones, and Canary, French, Madeira and Spanish wines for the big ones; gold and silver-mounted swords and gilt spurs and laces.

In the inventory of the estate of Burgomaster Steenwyck, we read of velvet chairs with silver lace, pictures, alabaster images, tapestry work, flowered tabby chimney cloths and curtains, Russia leather chairs, clocks and muslin curtains. Also of silk breeches, and coats and doublets of silver cloth.

When Schepen Joannes de Peister first came to this country, about 1651, he brought with him costly articles of furniture, family pictures and articles of massive silver plate.

His silver *punch* bowl is now in this city in possession of the family.

In 1641, in the inventory of Dame Ides Van Voorst, late wife of Jacob Stoffelsen, at Ahasimus, we read of gold hoop rings, silver medals and chains, silver spoons, silver brandy cups and goblets, Spanish leather patterns,

a damask furred jacket, linen handkerchiefs with lace, and brass warming pans.

Under this people New Amsterdam became, even under its brief existence, the *Emporium of Commerce* of this hemisphere.

There was trade with Holland, Curacoa, St. Bartholomew, the Canary Islands, Virginia, the Brazils, and with the coasts of France, Spain and Africa.

The commercial policy of Holland favored low duties. Thence flourished an active trade. The little city became the depot of wheat, hides, tobacco, lumber and peltry, which thence were shipped to Europe, to New England, and the West Indies.

The waters of the bay were alive with coasters and ocean traders, whose names recall the humor, the pastoral scenes or the sentiment of the Fatherland. For example, we read of the "Spotted Cow," the "Dove," the "Pear Tree," the "New Love," the "Herring," the "Blind Ass," the "Broken Heart," the "Water Dog," the "Cat," the "Blue Cock," the "Gilded Beaver," the "Glad Tidings," the "Flower of Guelder," and the "Orange Tree."

The solid warehouses of the Company and of the opulent traders were filled with produce and merchandise, and attested the busy trade of the Colony, both with the Indians and the outside world.

People of all nations traded at New Amsterdam, and as early as 1643 it was stated by a visitor there that there were as many as eighteen different languages spoken in the infant city.

We are indebted for our *liberties* as much to the *Batavian* as to the *Anglo Saxon*.

Taxation only by consent, or through representation, was a principle asserted in New Nederland, as it had been in Holland, and was to be in New York.

The very motto of our nation is borrowed from that of the Dutch, enunciated on the establishment of the Republic. "*Endragt maakt magt*,"—Unity makes might.

Let our local literature no longer misrepresent this people.

Let us enjoy their quaint humor and homely attributes, but let us respect their courage, their perseverance, their industry, their sense of justice, their religious feeling, and their intellectual and social condition.

All honor to the New Englander! but let us not the less honor the *pioneers of this State*.

Perhaps some may not agree with me, but from what I have read of the founders of New York, I think that the Dutch were the leading people in civil and religious freedom, in commercial enterprise, and in culture, on this Continent.

The Dutch atmosphere is still hovering over this City.

It inspired Jacob Leisler to hold the government for William of Orange against James and his myrmidons.

It inspired the "*Sons of Liberty*," who first gave form and impetus to the thunder cloud then slowly gathering to oppose political oppression.

It has kept this City *liberal, tolerant and just*.

It has saved it from arrogance, hypocrisy and persecution—from *fanaticism* on one hand, and *infidelity* on the other.

It has made this people *charitable and cosmopolitan*.

It has preserved in them a sense of right and of condemnation of iniquity.

It has formed a *sound public opinion*, that rectifies the abuses and controls the action of political parties, and lashes wrong-doers from the Temples of the Law.

It has kept up a patriotism that still dooms the national parricide—a moral sense that still inflicts a stern and sure retribution on the vampire preying upon the City's life.

Impartial justice still holds the scales over our City Hall, as in that of old.

As the child is father to the man, so one age leads and forms its successor.

Moral qualities are traditional in States as in families.

Show me a *Colony* actuated by *honor, industry* and *virtue*, and I will show you a *State noble, prosperous* and *free*.

THE OLD
STADT HUYS

OF

NEW AMSTERDAM.

A PAPER READ BEFORE THE

New York Historical Society,

June 15th, 1875.

NEW YORK:

F. B. PATTERSON, 32 CEDAR STREET.

1875.

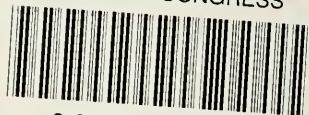
1

29.7430

6464-0

36

LIBRARY OF CONGRESS



0 014 108 733 2 •